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Also, the further injury of a weak heart so as to incapacitate its owner for physical duties of his employment may be found a personal injury arising out of and in the course of his employment within the meaning of the Workmen's Compensation Act, and will entitle the injured person to full compensation under the act. *In re Madden* (1916), 222 Mass. 487, 111 N. E. 379.

Under a Workmen's Compensation Act which entitles every employee to compensation for every accidental injury suffered in the course of employment, it was held that an employee is entitled to compensation for total incapacity proximately caused by the injury, if the incapacity results from accident independent of pre-existing disease, but, if the injury merely accelerates or aggravates such disease, he can recover compensation only to the extent and in the proportion in which the pre-existing disease is increased or aggravated. *Springfield Dist. Coal Mining Co. v. Industrial Commission et al.* (1921), 300 Ill. 28, 132 N. E. 752. The driver of a bakery wagon accidentally slipped in getting off his wagon and fell, and received a spiral fracture of the right tibia, arising out of and in the course of his employment, the healing of which was prolonged by reason of his pre-existing syphilitic condition, which aggravated by the accident resulted in the lost of sight. Under the Workmen's Compensation Act, it was held that he might be entitled to compensation for the fracture, but not for the permanent physical injury due to the loss of his sight. *Borgsted v. Shults Bread Co.* (N. Y. 1917), 180 App. Div. 229, 167 N. Y. S. 647.

In the instant case it is difficult to see how the court arrived at such an interpretation of the statute as to allow compensation for total disability. It seems that the legislative intent is clearly expressed in the statute, that in any case of aggravation of a disease existing prior to injury arising out of the employment, compensation should be allowed only for such proportion of the disability reasonably attributed to the injury.

PATENTS—OWNER HELD ESTOPPED BY ACQUIESCENCE IN MANUFACTURE OF PATENTED ARTICLE BY DEFENDANT.—An inventor planned an ignition coil which was perfected by the aid of the defendant's engineers, and adopted by the defendant as standard equipment for the automobiles it manufactured. The defendant, with the aid and counsel of the inventor, built and equipped a large manufacturing plant for their production. The inventor then secured a patent right for the coil and assigned his patent right to the plaintiff, who supplied the defendant with a large number of the coils, besides large numbers of parts for use in the coils manufactured by the defendant. At no time did the defendant have any knowledge of the existence of the patent. The plaintiff never marked any of his products with his patent number. The plaintiff, at all times, knew that the defendant was manufacturing the coils. After the defendant had manufactured the coils for several years, the plaintiff brought suit to recover damages for wrongful infringement upon the patented coil, and to prevent the defendant from future infringements. The defendant contended that the plaintiff was estopped to deny that it had a right to manufacture, or a right to continue the manufacture of, the coil. *Held*, plaintiff could not recover. *Ford Motor Company v. K. W. Ignition Co.* (1921), 278 Fed. 373.

Although this case was decided upon the grounds of equitable estoppel, it could have been decided upon the grounds that the plaintiff had not fulfilled the requirements of the statute providing that all articles manufactured according to a granted patent must be marked as prescribed, and because the defendant had no notice of the patent.

A patent grants the right altogether to exclude everyone for the time prescribed in the statute from making, using, or vending the thing patented, without the permission of the patentee. *Bloomer v. McQuewan* (1852), 14 How. (U. S.) 539; *Continental Paper Bag Co. v. Eastern Paper Bag Co.* (1908), 210 U. S. 405.

It is a well settled principle that when one is in the employment of another in a certain line of work, and devises an improved method or instrument for doing that work, and uses the property of his employer and the services of other employees to develop and put in practicable form his invention, and explicitly assents to the use by his employer of such invention, he gives to such employer an irrevocable license to use such invention. *Solomons v. United States* (1890), 137 U. S. 342; *Gill v. United States* (1896), 160 U. S. 426; *Lane & Bodley Co. v. Locke* (1893), 150 U. S. 193. And also where the employee did not expressly assent, but allowed his employer to use, and incur great expense in installing his invention, he gave him an implied license to use the invention. *Schmidt v. Central Foundry Co.* (1914), 218 Fed. 466; *Barber v. National Carbon Co.* (1904), 129 Fed. 370, 5 L. R. A. (N. S.) 1154, 64 C. C. A. 40.

The assignee of a patent right takes it subject to the legal consequences of the previous acts of the patentee. *McClurg v. Kingsland* (1843), 1 How. (U. S.) 202.

Suit for infringement of a patent will be barred after a long delay before instituting. *Safety Car Heating Co. v. Consolidated Car Heating Co.* (1908), 160 Fed. 476. Such delay in instituting suit is aggravated by the fact that the plaintiff has permitted the defendant to expend a great amount of money for the improvement of his manufacturing plant for the production of the invention. *Woodmanse & Hewitt Mfg. Co. v. Williams* (1895), 68 Fed. 489, 15 C. C. A. 520. See also, *Thacher v. Board of Supervisors* (1916), 235 Fed. 724. Where the plaintiff threatened the defendant with infringement suit, but the infringement suit was delayed for several years, this amounted to an acquiescence in the copying of the patent until such suit was brought, but the defendant was enjoined from future copying. *Wolf v. U. S. Slicing Machine Co.* (1919), 261 Fed. 195. The plaintiff in this case was guilty of laches which prevented his recovery for past infringements, but unlike the instant case, the defendant had knowledge of the patent and the plaintiff's conduct was not deemed sufficient to estop him to deny that the defendant had any further right to use the invention.

A person may be guilty of laches sufficient to prevent him from recovering for past infringements but which will not estop or bar him from recovery of damages for future infringements. *Rajah Auto Supply Co. v. Belvidere Screw & Machine Co.* (1921), 275 Fed. 761.

PRINCIPAL AND SURETY—DISCHARGE OF SURETY—FAILURE TO PRESENT CLAIM AGAINST PRINCIPAL'S ESTATE.—The only defendant to answer signed a promissory note, at plaintiff's request, as joint maker with other defendants, but as surety only. She received no consideration therefor,